

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY	)
COMMISSION,	)
	)
Plaintiff,	)
	)
JANET BOOT, BARBARA GRANT,	)
CINDY MOFFETT, REMCEY JEUNENNE	)
PEEPLES, MONIKA STARKE, LATESHA	)
THOMAS, and NICOLE ANN CINQUEMANO,	)
	)
Plaintiffs/Interveners,	)
	)
<b>v.</b>	)
	)
CRST VAN EXPEDITED, INC.,	)
	)
Defendant.	)

**Case No. 1:07-cv-95**

**DEFENDANT CRST VAN EXPEDITED, INC.'S MOTION FOR LEAVE TO FILE AN  
OVERSIZED BRIEF IN SUPPORT OF ITS MOTIONS IN LIMINE**

Pursuant to Local Rules 1 and 7, Defendant CRST Van Expedited, Inc. ("CRST"), by its attorneys, respectfully moves this Court for leave to file an oversized brief in excess of 20 pages and up to 70 pages in support of its motions in limine. As required by Local Rule 7(h), a copy of the brief is attached to this motion.

Per this Court's April 30, 2009 Order dismissing plaintiff Equal Employment Opportunity Commission's ("EEOC's") pattern or practice claim with prejudice, this case is comprised currently of 155 individual claims for damages based on allegations of sexual harassment by certain current or former CRST female truck drivers, including the claims of seven individual interveners. Each of the 155 female truck driver's claims involves unique facts and circumstances, as do the claims of the interveners. Because each claim of harassment took place on a separate truck and not in a common workplace, the claims in this case lack the

commonality present in other sexual harassment cases. CRST has identified over 35 separate legal, factual, and procedural issues requiring evidentiary rulings that it reasonably anticipates will arise at trial, and should, more efficiently, be addressed in motions in limine.

In its February 29, 2008 Order (Doc. No. 22 at 12), this Court ordered the parties to file one document containing all motions in limine:

**A. *Pretrial Motions.*** The parties are required to notify the court by motion in limine or by motion under the Federal Rule of Evidence 104(a) of any novel, unusual, or complex legal, factual or procedural issues reasonably anticipated to arise at trial. **Each parties' motion in limine shall be submitted in one document only.** If a motion in limine is submitted in multiple documents, the court will only consider the first document filed.

(Emphasis in original). Furthermore, the Local Rules provide that “a brief may not be more than 20 pages in length.” LR 7(h).

Under the circumstances of this case, CRST believes that more than 20 pages, and up to 70 pages, will be necessary for CRST to adequately address the numerous legal, factual, and procedural issues that CRST reasonably anticipates would otherwise arise during the trial of plaintiffs' claims. Leave to exceed the page limit in this instance is required for CRST to fully and adequately address each of these issues so that this Court can rule on each prior to trial. Accordingly, good cause exists under Local Rule 7(h) and CRST requests that this Court invoke its discretion and authority under Local Rule 1(d) to modify the local rule limitation of 20 pages and grant CRST leave to file an oversized brief in support of its motions in limine.

Furthermore, consistent with previous motions filed by CRST on summary judgment filings, this Motion aims to promote the efficient resolution of issues by the Court. CRST believes that leave to file an oversized brief in support of its motions in limine is necessary so that all pre-trial issues can be fully and adequately addressed in the motions in limine, and trial can proceed as efficiently as possible.

Finally, in light of the Court's rulings of earlier today granting CRST's motion for summary judgment and dismissing with prejudice EEOC's pattern or practice claim, and overruling EEOC's Objections to Magistrate Judge Scoles Ruling on the Motion to Strike the 99 women who did not appear for depositions by January 15, 2009, certain evidence that CRST seeks to exclude in limine is now irrelevant. Counsel for CRST intends to meet and confer with counsel for EEOC and Interveners to determine whether they intend to have present such evidence at trial.

### **CONCLUSION**

For the foregoing reasons, CRST requests that this Court grant CRST leave to file an oversized brief up to 70 pages in support of its motions in limine.

Dated: April 30, 2009

Respectfully submitted,

**CRST VAN EXPEDITED, INC.**

By: s/ John H. Mathias, Jr.  
One of its attorneys

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 30, 2009, I electronically filed the foregoing **Motion for Leave to File an Oversized Brief in Support of Its Motions in Limine** with the Clerk of the United States District Court, Northern District of Iowa, Cedar Rapids Division, using the ECF system, which will send notification of such filing to:

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